

1 BILL NO. R-96-03-18

RESOLUTION NO. R-18-96

2  
3 A RESOLUTION APPROVING  
4 RESOLUTION 82-195-8 OF THE  
5 FORT WAYNE BOARD OF PUBLIC  
6 WORKS APPROVING THE  
7 ACQUISITION OF REAL ESTATE  
8 FOR THE HEADWATERS FLOOD  
9 CONTROL AND PARK PROJECT

10 WHEREAS, the Fort Wayne Board of Public Works desires to acquire  
11 certain lands in the City of Fort Wayne for the purpose of flood control and the  
12 eventual use of parts thereof for a public park to be known as Headwaters Park; and

13 WHEREAS, the Board of Public Works is the purchasing agent pursuant to  
14 I.C. 36-1-1.5-3 for the purpose of effecting such acquisition; and

15 WHEREAS, the Board of Public Works has employed the Fort Wayne  
16 Redevelopment Commission as its agent in the negotiation for and purchase of  
17 such real estate, relocation, environmental remediation, demolition, and other  
18 functions in aid of acquisition and site preparation; and

19 WHEREAS, the Board of Public Works has adopted resolutions 80-146-11,  
20 80-194-7, and 81-30-9 accepting the Redevelopment Commission's  
21 recommendation to acquire a total of twenty nine (29) parcels of real estate for  
22 the project; and

23 WHEREAS, the Redevelopment Commission has identified an additional  
24 parcel for acquisition; and

25 WHEREAS, the parcel is described as a triangular-shaped tract of land  
26 constituting the northern portion of a parcel real estate placed in a trust  
27  
28  
29  
30

1 established by Don D. Hall Sr., which trust is administered by Norwest Bank;  
2 said real estate is generally located east of Barr Street, west of the St. Mary's  
3 River, and north of Superior Street, and is more particularly described in the  
4 survey attached hereto; and

5 WHEREAS, the Redevelopment Commission has retained two independent  
6 state licensed MAI appraisers for the purpose of determining the market value of  
7 the real estate; and

8 WHEREAS, the Redevelopment Commission recommends that the maximum  
9 offering price for the parcel be established as the average of the two appraisals;  
10 and  
11

12 WHEREAS, the Board of Works has adopted Resolution 82-195-8 approving  
13 said parcel of real estate for acquisition.  
14

15 WHEREAS, pursuant to Indiana Code 36-1-10.5-5 et seq. the Redevelopment  
16 Commission may not proceed with the acquisition process on behalf of the Board  
17 of Works until the approval of Resolution \_\_\_\_\_ By this Common Council;  
18 and  
19

20 WHEREAS, this Common Council has reviewed said Resolution and desires  
21 to approve same.

22 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL  
23 OF THE CITY OF FORT WAYNE, INDIANA:  
24

25 SECTION 1. Resolution 82-195-8 of the Fort Wayne Board of Public  
26 Works, attached hereto as Exhibit "A," is hereby approved, ratified, and  
27 confirmed.  
28  
29  
30

SECTION 2. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

  
\_\_\_\_\_  
Council member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay  
J. Timothy McCaulay, City Attorney





# FORT WAYNE REDEVELOPMENT COMMISSION

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TO: Members of the City of Fort Wayne Common Council  
FROM: Ronald R. Fletcher, Executive Director *R.R.F.*  
DATE: March 22, 1996  
SUBJECT: Acquisition of the Real Estate for Headwaters Park

## **BACKGROUND**

The Fort Wayne Redevelopment Commission has entered into an intergovernmental agreement with the Fort Wayne Board of Public Works to act as the Board's agent for the acquisition of real estate for the Headwaters Flood Control and Park project. Under the terms of the agreement, the Redevelopment Commission is also authorized to carry out any necessary business relocation, environmental remediation, and demolition, and other activities in aid of site preparation. To date the Board of Works and the Common Council have approved twenty nine parcel of real estate for acquisition. Headwaters Park is requesting the acquisition of an additional parcel, described generally as a triangular-shaped tract of land constituting the northern portion of a parcel real estate placed in a trust established by Don D. Hall Sr. and administered by Norwest Bank. The real estate is located east of Barr Street, west of the St. Mary's River, and north of Superior Street, and is more particularly described in the survey attached to the resolution under consideration. On Wednesday, March 20, the Board of Works adopted Resolution 82-195-8 provisionally approving the acquisition of the real estate.

## **HIGHLIGHTS OF THE PROPOSED ORDINANCE**

The proposed resolution approves, ratifies, and confirms the Fort Wayne Board of Works Resolution 82-195-8 which provisionally approves the acquisition the aforementioned real estate.

## **RECOMMENDATION**

I recommend that Council adopt the attached resolution. The land is needed for construction of phase III of the park, the east festival terrace, due to begin May 15.



## FORT WAYNE BOARD OF PUBLIC WORKS

RESOLUTION NUMBER 82-195-8

## RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE FOR THE HEADWATERS FLOOD CONTROL AND PARK PROJECT AND ESTABLISHING THE ACQUISITION AMOUNT

Whereas, the Fort Wayne Board of Public Works desires to acquire certain lands in the City of Fort Wayne for the purpose of flood control and the eventual use of parts thereof for a public park to be known as Headwaters Park; and

Whereas, the Board of Public Works is the purchasing agent pursuant to I.C. 36-1-1.5-3 for the purpose of effecting such acquisition; and

WHEREAS, the Board of Public Works has employed the Fort Wayne Redevelopment Commission as its agent in the negotiation for and purchase of such real estate, relocation, environmental remediation, demolition, and other functions in aid of acquisition and site preparation; and

WHEREAS, the Board of Public Works has adopted resolutions 80-146-11, 80-194-7, and 81-30-9 accepting the Redevelopment Commission's recommendation to acquire a total of twenty nine (29) parcels of real estate for the project; and

WHEREAS, the Redevelopment Commission has identified one additional parcel for acquisition; and

WHEREAS, the parcel is described as a triangular-shaped tract of land constituting the northern portion of a parcel real estate placed in a trust established by Don D. Hall Sr., which trust is administered by Norwest Bank; said real estate is generally located east of Barr Street, west of the St. Mary's River, and north of Superior Street, and is more particularly described in the survey attached hereto; and

WHEREAS, the Redevelopment Commission has retained two independent state licensed MAI appraisers for the purpose of determining the market value of the real estate; and

WHEREAS, the Redevelopment Commission recommends that the maximum offering price for each parcel be established as the average of the two appraisals.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that:

1. The parcel herein identified is approved for acquisition.
2. The maximum offering price for the parcel is hereby established as the average of two appraisals.

Resolved this 20 day of March, 1996.

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk, Director

C. James Owen  
C. James Owen, Member

Terrance P. McCaffrey  
Terrance P. McCaffrey, Member

ATTEST:

Patricia J. Crick  
Patricia J. Crick, Clerk





HOFER AND DAVIS, INC.

LAND SURVEYORS  
203 W. WAYNE ST. #316  
FORT WAYNE, IN 46802  
(219) 422-9922  
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MICHAEL W. DAVIS	L.S. No. 880030	
HANS C. HOFER	L.S. No. 900010	
WILLIAM B. DAVIS (RET.)	L.S. No. S-0053	L.S. No. 18114 (MICHIGAN)
CARL A. HOFER (RET.)	L.S. No. 10031	P.E. No. 7122
A. K. HOFER (1988)	L.S. No. 10504	P.E. No. 72

This document is the record of a resurvey of land and real estate situated in Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of the Recorder of said County and State. Furthermore, this resurvey was executed wholly under the direction of the undersigned in accordance with the standards as set forth in the Indiana Administrative Code Title 865, Article 1.1, Chapter 12 as adopted by the State Board of Registration for Land Surveyors on August 16, 1991. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

DESCRIPTION OF PROPERTY Lot No. \_\_\_\_\_

Part of the Northeast Quarter of Section 2, Township 30 North, Range 12 East, in Allen County, Indiana, in particular described as follows, to-wit:

To arrive at the point of beginning, commence at the intersection of the Northerly property line of Superior Street and the Easterly property line of Barr Street in the City of Fort Wayne, Indiana, said point being the Southwesterly corner of Lot Numbered 1 in the Original Plat of the said City of Fort Wayne, Indiana; thence in a Northerly direction 766.9 feet along the aforementioned Easterly property line of Barr Street to the point of beginning initially referred to; thence in an Easterly direction on a line perpendicular to the aforesaid Easterly property line of Barr Street, a distance of 29.1 feet, to a #5 rebar set on the West bank of the St. Mary's River, as situated 5 feet West of the water line along the Westerly bank of the St. Mary's River; thence along the West bank of said St. Mary's River, by a deflection right of 75 degrees 14 minutes 10 seconds, a distance of 336.1 feet to a point situated 114.75 feet normally distant Eastward of the Easterly property line of said Barr Street at a point 325.0 feet Southerly measured along said Easterly property line of the point of beginning; thence Westerly and perpendicular to the Easterly property line of said Barr Street, by a deflection right of 104 degrees 45 minutes 50 seconds, a distance of 114.75 feet to the Easterly property line of Barr Street; thence Northerly along said Easterly property line, by a deflection right of 90 degrees 00 minutes, a distance of 325.0 feet to the point of beginning, containing 23,376 square feet, or 0.536 acres of land, more or less.

TOGETHER WITH AND EXCEPT all that land lying between the bank traverse and the water line of the St. Mary's river.

SUBJECT TO all easements of record.

SURVEYOR'S REPORT

Pursuant to the Indiana Administrative Code Title 865, Article 1.1, Chapter 12 regarding uncertainties as to the location of the property corners and boundary lines found or set by the preceding survey, and by discrepancies and/or ambiguities in the reference monuments, title documents, and evidence of occupation and possession, we hereby submit the following opinions and observations:

1. The theoretical uncertainty of the corners established by this survey due to random errors in measuring the perimeter of said tract falls within the criterion of a Class "B" Survey (0.25 feet) as defined by the aforesaid Indiana Administrative Code.

2. UNCERTAINTY IN THE REFERENCE MONUMENTS:

None apparent. This will be a new tax parcel when conveyed.

3. UNCERTAINTY DUE TO POSSIBLE TITLE AMBIGUITIES:

None apparent. No title commitment available for this report.

4. UNCERTAINTIES IN LINES OF OCCUPATION AND/OR POSSESSION:

None apparent.



NOTES: This survey represents the North 325 feet of a survey done by H. K. Gottschalk on May 24, 1955 for the Northern Indiana Public Service Company.

OWNER/CLIENT HEADWATERS / KEINSFELDER  
JOB NO. 9508093  
FIELD WORK ON: AUG 17 1995  
FILE NO. HALLS 4140056

FLOOD PLAIN CERTIFICATE

THIS PARCEL LIES IN ZONE AE, PER FIRM MAP  
FEB 14  
PANEL 260 ALLEN CO., IN. EFFECTIVE SEPT-80,  
1995  
(SUBJECT TO MAP SCALE UNCERTAINTY)

IN WITNESS WHEREOF, I place my hand and seal  
this 21<sup>ST</sup> day of AUGUST 1995

*Michael W. Davis*

SCALE 1 inch = 100 feet





Read the first time in full and on motion by Henry,  
and duly adopted, read the second time by title and referred to the  
Committee on Finance (and the City Plan Commission  
or recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, M., E.S.T. \_\_\_\_\_ at \_\_\_\_\_ o'clock

DATED: 3-26-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 4-9-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

SPECIAL.) (ZONING) ORDINANCE RESOLUTION NO. Q-18-96  
on the 9th day of April, 1996

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
Paul Helmke  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 10th day of April, 1996,  
at the hour of 3:00 o'clock P, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April,  
1996, at the hour of 8:30 o'clock A, M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR



**DIGEST SHEET**

TITLE OF ORDINANCE Headwaters Park Land Acquisition

DEPARTMENT REQUESTING ORDINANCE Redevelopment

SYNOPSIS OF ORDINANCE Approves, ratifies, and confirms Resolution 82-195-8 of the Fort Wayne Board of Public Works approving the acquisition of real estate located between Barr Street and the St. Mary's River for Headwaters Park.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

EFFECT OF PASSAGE Acquisition can proceed.

\_\_\_\_\_

EFFECT OF NON-PASSAGE Acquisition cannot proceed, thus delaying the start of construction of Phase III of Headwaters Park, the East Festival Terrace.

\_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

About \$60,000

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

\_\_\_\_\_



BILL NO. R-96-03-18

REPORT OF THE COMMITTEE ON  
FINANCE  
THOMAS C. HENRY - JOHN N. CRAWFORD - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS  
REFERRED AN XXXXXXXXXX (RESOLUTION) APPROVING RESOLUTION  
82-195-8 OF THE FORT WAYNE BOARD OF PUBLIC WORKS APPROVING THE ACQUISITION  
OF REAL ESTATE FOR THE HEADWATERS FLOOD CONTROL AND PARK PROJECT

HAVE HAD SAID XXXXXXXXX (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) XXXXXXXXX (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas C. Henry*  
*M. S. Henry*

*John N. Crawford*  
*Robert L. Hays*  
*Robert L. Hays*

DATED: *4-9-96*

Sandra E. Kennedy  
City Clerk